

07-O-0275

**AN ORDINANCE BY
FINANCE AND EXECUTIVE COMMITTEE**

AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA (“CITY”), TO ACQUIRE FROM FULTON COUNTY THROUGH THE EXERCISE OF EMINENT DOMAIN POWERS, THE FORMER ADAMS PARK LIBRARY PROPERTY LOCATED AT 1480 DELOWE DRIVE, SW, ATLANTA, GEORGIA 30331, AND FOR OTHER PURPOSES.

WHEREAS, Fulton County is the owner of property located at 1480 Delowe Drive, SW, Atlanta, Georgia 30331 (“Property”) more fully described in EXHIBIT “A” attached hereto and made a part hereof by reference, which was the site of the old Adams Park Library; and

WHEREAS, said Property is surrounded on three sides by the City’s Adams Park; and

WHEREAS, Fulton County has built a new library at another location, has abandoned the Property, declared it surplus and is attempting to sell it; and

WHEREAS, the City desires to acquire ownership of the Property to make it a part of Adams Park; and

WHEREAS, Fulton County has refused to sell the Property to the City, the City now seeks the right to acquire the property utilizing its eminent domain powers; and

WHEREAS, purchasing the Property is consistent with the City’s goal of greenspace acquisition, preservation and park expansion.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The Mayor be and is hereby authorized, on behalf of the City of Atlanta (“City”), utilize the City’s eminent domain powers to condemn the Property located at 1480 Delowe Drive SW, more fully described in EXHIBIT “A” attached hereto and made a part hereof by reference.

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals for this

Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to title insurance, real estate service fees, cleanup, closing costs and other costs of acquisition, demolition and development (“The City’s Due Diligence, Purchase Services, Demolition, and Development Costs”).

SECTION 3: The City Attorney is hereby authorized to condemn the necessary real property interest, and the City Attorney is authorized to engage in the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 4: The 2007 (General Government Capital Outlay Fund) Budget, Department of Planning and Community Development is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

| | | |
|--------------|--|---------------------|
| 1C28 | General Government Capital Outlay Fund | |
| 774001 | Facilities Other Than Buildings | |
| Y63F060392BG | | |
| TOTAL | | \$207,000.00 |

TRANSFER TO APPROPRIATIONS

| | | |
|--------------|--|---------------------|
| 1C28 | General Government Capital Outlay Fund | |
| 774001 | Facilities Other Than Buildings | |
| Y63F060392BG | City Wide Greenspace Program | |
| TOTAL | | \$207,000.00 |

SECTION 5: The City’s total acquisition costs in the total amount not to exceed Two Hundred and Seven Thousand Dollars (\$207,000.00), which includes the purchase price not to exceed One Hundred Twenty Seven Dollars (\$127,000.00) plus Due Diligence Costs, Condemnation Costs, Demolition Costs, Purchase services and Development Costs in the amount not to exceed Eighty Thousand Dollars (\$80,000.00), shall be paid from 1C28 (General Government Capital Outlay Fund) 574001 (Facilities Other than Buildings) Y63F060392BG (City Wide Greenspace Program).

SECTION 6: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Property.

SECTION 7: The City’s Greenspace Acquisition Consultant, (“the Consultant”) is authorized to settle the acquisition of the Waterford Road Property in an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 8: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 9: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 10: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 11: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney.

SECTION 12: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

